SINGLE BENCH

CF 2002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (C) NO. 24 / 2007

Petitioners :

1. Bhuneshwar Mahalwar, S/o Late Narayan Singh Mahalwar, Aged about 45 years, R/o In front of Mahavir School, Shikshak Nagar, Durg (C.G.)

2. Vinayak Tamrakar, S/o Niranjan Shankar, Aged about 38 years, R/o Tamer Para, Durg (C.G.)

VERSUS

Respondents :

1) State of Chhattisgarh – Through the Secretary, Department of Home Ministry, DKS Bhawan, Raipur (C.G.)

2) The Superintendent of Police, Durg, Distt. Durg (C.G.)

3) The Station House Officer, PS Durg, Distt. Durg (C.G.)

4) The Sub-Divisional Magistrate, Durg, Distt. Durg (C.G.)

5) Mahant Yagyanand Brahmachari, S/o Gurupita Shri Mahant Gautmananda Brahmchari, Aged about 54 years, R/o Kila Mandir, Math, Tamerpara, Durg (C.G.)

6) Mahant Gautmananda Brahmachari, R/o Kila Mandir, Durg (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-78

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(Cr.)...24... **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8.2.2007

Shri P.R. Patankar, counsel for the petitioners.

Heard.

Grievance of the petitioners is that respondents No. 5 and 6 are managing Kila Mandir, Durg and they have been misusing the temple property, as a result of which there is some resentment amongst the residents of the locality and because of this resentment dispute arose between the two rival groups and reports and counter-reports were lodged by the rival groups. However, the police took action at the behest of respondent No. 5 against the petitioners but no action has been taken against the respondents No. 5 & 6 on the complaint of the petitioners. With these averments, a prayer has been made in this petition that the respondents be restrained to act in a biased manner and the petitioners be given police protection at the temple premises.

I have heard learned counsel for the petitioner and perused the petition as also the documents annexed herewith.

From perusal of the pleadings in the petition and the documents annexed with the petition, it appears that there is

P.T.O.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) 2424 **सन्** **2007**

आदेश पत्रक (पूर्वानुबद्ध)

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some dispute between the local residents and respondents No. 5 & 6 with respect to the management of the temple.

On the basis of the facts alleged in the petition, this Court is of the considered opinion that no case is made out for interference by this Court under Article 226 of the Constitution of India. The petitioners are at liberty to file the appropriate proceedings/complaint against respondents No. 5 & 6 before the competent authorities.

With the aforesaid observations, the petition is dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

P.T.O.